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CONSOLIDATED LABOR.

BY CARROLL D. WRIGHT, UNITED STATES COMMISSIONER OF LABOR.

HOWEVER men may differ, not only as to the propriety but the legality of labor organization, all recognize the great fact that labor is organizing and that trades unions and similar bodies, which virtually mean the consolidation or focusing of energy, are here as permanent institutions and will grow more numerous and more powerful as industrial development goes on. It is rare to meet a man not connected with the work of organized labor who does not in some degree approve of it. He may deprecate methods and insist that labor organizations encroach upon the rights and responsibilities of employers, but the underlying principle of labor organization is recognized.

It must be conceded at the outset that the long contest between laborers and capitalists—for it must be evident that there is no contest between labor and capital—in seeking specific legislation has proved inadequate; so the lessons of this period, which is particularly the period of legislation, need to be well remembered by employers and employees. Hostile, revengeful and retaliatory legislation injures every interest, benefits nobody, and cannot long be enforced. The great questions relative to organized labor, therefore, are: Is it not wise to fully recognize such organizations by law, to admit their necessity as labor guides and protectors, to conserve their usefulness, to increase their responsibility, and to prevent their follies and aggressions, by conferring upon them privileges enjoyed by corporations, with like proper restrictions and regulations? Corporations have undoubtedly benefited the country and brought its resources to our doors, and it will not be a very great surprise to close observers of industrial conditions if the next quarter or half century brings the advancement of labor to a position of like

power and responsibility. Does not wisdom demand that each shall be encouraged to prosper legitimately and grow into harmonious relations of equal standing and responsibility before the law, in everything that relates to industrial and commercial supremacy? This advancement involves nothing hostile to the true interests and rights of both employers and employees.

These underlying questions can best be answered by a brief analysis of the attitude of the public and of law toward labor unions, and of the attitude of labor unions toward various elements of industrial society; and these attitudes should be examined with reference not only to the present conditions but in some respects to the past.

It is significant that all classes, business men, clergymen, students, employers as well as employees, are desirous of studying these questions. That fact indicates a serious determination to ascertain true relations and to be governed accordingly.

Historically, labor organization, in some form, is very old. We need not at this time go into the instances that occur in history even from ancient times, but we may content ourselves with the fact that the trade union, as it is now understood and as Sidney Webb defines it, is an association of wage-earners with a purpose of maintaining or improving the conditions of their employment, and that in this form and for these purposes it has existed in England for about two centuries. It did not spring into existence full grown, but it grew as industry developed. Many writers have insisted that the modern trade union is the legitimate successor of the guilds which existed in the Middle Ages in various parts of Europe; but this view cannot be supported when we understand the true purpose of the trade guilds and other associations in which journeymen and masters formed important constituent elements. It will be obvious at once that any association in which the employers determined how the funds should be used, and what officers should be appointed, can bear little or no analogy to modern trades unions. So the journeymen fraternities of the Middle Ages, followed by the guilds, do not furnish satisfactory origin for modern organizations.

Students have sometimes insisted that the craft guilds, as distinguished from the medieval associations of the wage-earners, were the real predecessors of modern unions, but even that contention rests upon no substantial evidence; for the chief element of

the guild form of organization in every instance and at every period of its growth was the master craftsman, who owned the instruments of production and controlled the selling of the products. The old guilds were more commercial in their nature, while the fundamental object of the trade union is the protection of the standard of life, and involves organized resistance to any and all movements or innovations which in any way tend to the lowering of the standard of living of wage-earners. To be sure, the old guilds fostered skill and did an immense work in the development of industry, but they were not organized primarily, as I have said, for the upbuilding of the condition of wage-receivers.

There is little or no evidence of the existence of the modern trade union, so far as recorded facts are concerned, prior to the year 1700. The evidence relating to the rise of organization in any particular trade shows the trade union coming up not from any particular institution, but from opportunities for the meeting together of wage-earners employed in like trades. It was the individuality of interests as represented by the union of those employed in the same trade. This very principle distinguishes trade-unionism from some other forms of organization, like the Knights of Labor, which undertook to consolidate all labor without reference to the individuality of occupations.

It is often contended that the trade union was the product of the factory system of labor, but this contention cannot be sustained, for the earliest combinations of wage-receivers existed at least half a century prior to the existence of the factory system, and they were found to embrace trades afterwards that were carried on entirely under the old domestic or hand system. So it must be concluded that the modern trade union came into existence as the result of intelligence—of a desire on the part of wage-earners to improve their condition, to elevate their standard of living, and to become participators in the things which could be secured only through reasonable prosperity.

On the other hand, it is often contended that modern trade-unionism was the result of strong protests against some form of industrial oppression resulting from lack of employment. I cannot accept this view. The conditions of industry during the constructive period of trades unions do not warrant it; certainly, the first half of the eighteenth century cannot be denominated a period of industrial distress. During that period harvests were good, generally, and the price of food unusually low.

It is perfectly evident, when the philosophy of industrial development is studied closely, that trade-unionism, with or without the factory system, with or without the marvellous development of machinery, with or without industrial distress or industrial prosperity, would have developed as a part of the development of social conditions.

It represented a struggle for improvement, and thus an aspiration—for struggle is always aspiration.

When the factory system came into existence as a permanent element in industry, then began the struggle of trades unions for existence. There had been combination laws and other laws restricting association in many ways; and so, as it entered the nineteenth century, history found trade-unionists considered as rebels and revolutionists and subject to many forms of legal persecution. These things occurred during the first quarter of last century, and when the second quarter opened trades unions were often tolerated, but with what has been denominated a ludicrously timid and vacillating legislative policy. Until the beginning of the last quarter of last century they were subjected to legal disabilities, considered organizations of suspicion, and brought under parliamentary investigation and occasional persecution.

One of these investigations resulted in a really dramatic revolution of public opinion. It occurred at a time when the supposed abuses and dangers of labor unions roused a sentiment in favor of returning to the drastic legislative repression of earlier years. There was a decidedly unfriendly and even an uncharitable public opinion, but this opinion was suddenly changed by the very evidence by which parliamentary committees had expected to show the need of demanded repression. The real aims and purposes of labor organizations were brought to the attention of the average English citizen, who then realized for the first time that, in spite of legislative repression, legal disabilities, and unjust suspicion, the most intelligent and industrious artisans of the country were making heroic efforts to aid in the upward struggle and to enable their class to meet the great exigencies resulting from sickness, accident, old age disability, irregularity of employment, non-employment, death, and the destitution of widows and orphans. The hostile investigation unexpectedly proved that ninety per cent. of all the millions collected and disbursed by trades unions had been expended for the most beneficent purposes, and that only

the small margin of ten per cent. had been used as defense funds in industrial warfare and trade disputes.

The great facts that were brought out showed most conclusively that trade-unionism stood for something more than organized conspiracy against trade and for industrial warfare. Legislators caught the spirit, and realized that the unions primarily devoted their energies to individual development rather than to instigating sedition and advocating economic heterodoxy. Capitalists admitted that the very forces which they had endeavored to crush were engaged in efforts of mutual self-help. Academic men conceded that organized labor really had some legitimate function in human affairs. So, after a long and tedious contest against great odds, covering nearly a century of time, consolidated labor was able to throw off legal disabilities and take its place among modern institutions as a recognized force in public welfare, and there it must remain.

The methods, however, need not only to be understood, they need to be improved, changed, and regulated; and the new understanding must involve the freeing of public opinion from the idea which makes combinations, either of labor or of capital, objects of distrust, evils to be throttled, diseases to be eradicated from the economic system. This new understanding involves also the recognition of the truth that unregulated competition is the law of death, and not of life; that it means everywhere the survival of the unfit—the unfit employer, the unfit employee, the unfit type of industrial organization. The new understanding must learn also that combination is the inevitable result of efforts to escape suicidal conditions of unregulated competition of all forms, whether it be the destructive competition of producers combating against each other in the dark for custom, or the hungry competition of workmen combating against each other in the dark for the custom of employers—the opportunity to earn the daily bread of life for self and wife and child. Combination is a new machine, and, like the machine, brings vastly greater economic and social opportunities, powers, responsibilities and duties, but it brings corresponding dangers of misused power and neglected duties and organized selfishness.*

All these reflections relative to consolidated labor in England

*Cf. "The Organization of Labor," by Rev. Edward Cummings. "Christian Register," Oct. 10, 1901.

apply to conditions in the United States. In our own as well as in the old country, the history of consolidated labor constitutes an integral part of our industrial development, and its growth to the present time represents an influential feature of industrial achievement. The relation of labor organizations to strikes, their advocacy of all educational methods, their conservative action, at times offset the radicalism which has often led them into injudicious action. During the years between 1825 and the present time their history is a progressive one, and in detail would bring into prominence almost every industry in the country. Out of the earlier combinations there have grown some great associations or organizations, developing power and bringing to the attention of the country conditions which need reform and relations which call for the highest ethical influence to secure their proper adjustment.

Among American trade-unionists there are three types of unions recognized—the local, the national, and the international. The typical local union is made up only of members who live and work in one town or one restricted locality, and its business is conducted by a vote of all the members meeting in one place. The national and international unions really constitute but a single type, though the formal distinction between them is carefully preserved in all trade-union references. The typical national union aims to bring under one control the workers of its trade in the United States, while the international union, so called, draws into its constituency the locals of the United States, Canada and sometimes Mexico. All national and international unions have for their constituents local unions, which possess more or less autonomy and which take part in some way in the government of the general body. Most of the national trades unions are affiliated in one great federal organization, known as the American Federation of Labor. The railway brotherhoods, so called, keep their separate organizations without affiliating with any other body. There are some other independent unions, while the Knights of Labor is a body entirely distinct from them all and with a different organic law.

The membership of unions it is difficult to ascertain. The law requiring registration in Great Britain enables the English government to state with fair accuracy the strength of the unions in that country. In 1899, according to the latest report available,

there were 1,802,518 members, while in the United States, with double England's population, the estimated membership of labor organizations on July 1st last was 1,400,000. When it is taken into consideration that there are at the present time nearly 18,000,000 persons (men, women and children) in the United States working as wage-earners, as distinguished from persons receiving salary, income, etc., the percentage of membership is not large, being not more than eight per cent. of the whole body of wage-earners; but in many trades the members are organized sometimes up to ninety per cent. of the total number engaged.

The objects of most trades unions are well represented in the declaration of the American Federation of Labor, which demands eight hours as a day's work, favors the national and State incorporation of trades unions, the obligatory education of children and the prohibition of their employment under the age of fourteen, and the enactment of uniform apprentice laws, and opposes all contract convict labor and the truck system for payment of wages. It also demands a first lien on property for wages, insists upon the abrogation of all so-called conspiracy laws, urges the prohibition of the importation of foreign labor, and favors the adoption of employers' liability acts.

Trade-unionism, as stated, represents the interests of specific trades. The principle which underlies the tenets of the Knights of Labor ignores specific vocations and seeks to harmonize all individual or separate interests in the interests of the whole, the declared aim of the order being to secure to the workers of society the fullest enjoyment of the wealth they create and leisure for development of their intellectual, moral, and social faculties; and they declare themselves ready to join in any movement which will enable them to share in the gains and honor of advancing civilization. Their specific demands are the establishment of the referendum in the making of laws; the exclusion of lands, including all natural sources of wealth, from speculative traffic; the abrogation of all laws that do not bear equally upon capitalists and laborers; and the passage of legislation providing for sanitary regulation in all productive industries. They also demand proper protection against accidents in factories, the incorporation of labor organizations, the enactment of laws providing for weekly payment of wages. They also ask that mechanics and laborers should have a first lien in protection of wages, and are opposed

to the contract system on all public works and to the hiring out of convict labor. They favor industrial arbitration, compulsory attendance at school, the furnishing of textbooks by the State, and a graduated tax on incomes and inheritances. They go so far as to make declaration relative to financial systems, are in favor of postal savings banks, and adopt the state socialistic platform relative to the government ownership of telegraphs, telephones and railroads. The American Federation of Labor has also made some declaration in this direction. While these two great forms of organized labor exist in this country, they are remarkably close together in their objects.

All labor organizations are in favor of some form of benefits for their members, even to the extent of some system of insurance. They are also in favor almost universally of the adoption of what is known as the "union label" on products. They contend that the adoption of the union label would insure to consumers goods produced under proper sanitary and economic conditions. Of course, they have found difficulty in carrying out this claim, but they contend that ultimately the label will be the guaranty of union goods.

In carrying out their charitable and beneficent aims they have in some cases collected enormous funds. Perhaps one of the best illustrations of this is found in the experience of the Cigar-makers' International Union, whose latest report shows that it represents 414 local bodies, with a membership of nearly 34,000 as against 2,729 twenty-two years ago. In the last twenty-one years benefits have been paid amounting to the enormous sum of \$4,737,550. Of this sum, \$838,046 was paid for strike benefits, \$1,453,050 for sick benefits, \$794,075 for death benefits, \$735,267 for travelling, and \$917,112 to those out of work; and the order now has a balance of \$314,806 in its treasury. Other orders have shown a like record, notably the Amalgamated Association of Iron, Steel and Tin Workers, the Typographical Union, etc.

Such being the general objects, growth, and condition of trades unions, it is well to consider their attitude towards certain important phases of industrial life. Their objects are peaceful and moral and do not invite antagonism and but little criticism; but when it comes to action, then men differ not only as to the value of the work of consolidated labor, but also as to the legitimacy of its purpose.

The attitude towards strikes is a most important one. Almost invariably labor organizations declare themselves not in sympathy with the strike method of enforcing their demands. They insist upon the right to strike, and the courts sustain this right. It is the almost universal attitude of courts in this and other countries that if one man can leave his employment, two or more men may do so, and that there can be no restriction upon this privilege. The courts hold, however, that intimidation and violence must not accompany strikes, and that the strikers themselves in indulging in these things are amenable to criminal law.

Strikes were considered in the early part of last century as conspiracies in restraint of trade and against the principles of common law. Unions are almost invariably in favor of some method of conciliation—the establishment of private joint committees of employers and employees to consider and deal with all grievances; and the instances of the success of this method, both in the old country and in this, are such as to stimulate all organizations, whether of labor or of capital, to adopt the principle. The trouble so far has been that employers have not been as well organized for this particular purpose as have labor unions.

The real influence of labor organizations in the strikes that have occurred in this country can easily be measured. During the twenty years closing December 31st, 1900, there had occurred in this country 22,793 strikes, involving 117,509 establishments. Of these, 50.77 per cent. succeeded, 13.04 per cent. succeeded partly, and 36.19 per cent. failed. Of the whole number stated, 14,457, or 63 per cent. of all, were ordered by organizations. Of the strikes ordered by organizations, 52.86 per cent. succeeded, while 13.60 per cent. partially succeeded and 33.54 per cent., or about one-third, of all such strikes failed. These statistics are very significant, and indicate most clearly the influence of labor organizations in their attitude to strikes, whenever they undertake practically to enforce their demands.

The losses which have occurred during the past twenty years ought to convince consolidated labor that certain great economic truths should be studied and comprehended. The wage loss was \$257,863,478, besides which the orders paid out in assistance to striking employees \$16,174,793. The employers lost \$122,731,121, the total money loss being \$396,769,392.

Dr. Talcott Williams, in a recent article on the late steel

strike, has stated one of the great mistakes of labor very graphically. He says:

"Unfortunately for all, capital no less than labor, and, worst of all, for the public interest, labor leaders, outside of one well-managed railroad union, never understand that labor can stand a short doubt or delay easier than capital, with its multifarious contracts and responsibilities, so that the latter dreads most a brief interruption; but that when the blow is struck and contracts and business adjusted to it, capital can stand long delay far easier than labor."

This, on the whole, is true, and the truth of it is coming home to the managers of labor organizations.

I believe that strikes as a method of securing recognition will go out of fashion, and that the method of reasoning, as applied through the principles of private or joint conciliation committees, will take their place. The most intelligent captains of industry are thoroughly alive to this view, and I believe that they have an opportunity, in connection with organized labor, to accomplish a vast deal of good and to secure more rapidly the very things most ardently desired by working men.

There is in the organic laws of consolidated labor a very serious omission, and that is of some direct provision for the punishment or disqualification of a member who commits or instigates violence towards persons or property during strikes. This omission deserves severe criticism. Until labor organizations take up this question vigorously and endeavor by all their influence to control their own members effectually, they are certain to lose sympathy in their contentions, and in a large degree to be defeated, even at times when their cause may appear to be just and in the public estimation deserves success.

Consolidated labor has of late years undertaken to secure recognition through a system known as collective bargaining, the adoption of sliding scales being a feature of this work. The recognition of a trade union, in a popular sense, comprehends something entirely different from what is meant by consolidated labor itself. In the former case it is understood to mean simply a recognition on the part of employers of the existence of the unions and dealings with their officers, comprehending, of course, an indorsement of their general, social, and ethical purposes; but on the part of the unions themselves recognition means something more than this, even in many cases to taking part in the establishment of rules, the regulation of wages, and the limitation or

restriction of output. So the insistence upon recognition involves the economic question of collective bargaining, and it must be admitted that, in reason, collective bargaining is a far better method of adjusting prices and wages than the helter-skelter individual method usually in vogue. The adoption of sliding scales practically originated with labor unions, and some of them have carried out their views with great skill and patriotism.

Employers resent the collective bargaining idea at times, as was shown by a case in Fall River a few years ago, where a question arose between the spinners' union and some of the employers. The union made certain demands or requests, and the manager of the mill involved answered that he would deal with the individual members of the union and not with any committee. The union officers therefore withdrew. Later on, the manager of the mill wished to bring things to a settlement. So he sent for the committee and stated that he was then willing to confer with it, but the chairman answered that he could not deal with any representative of the stockholders, but would deal with the stockholders individually. Now, one answer was just as reasonable as the other. Both were thoroughly unreasonable.

The true attitude, or the attitude which more generally prevails among manufacturers especially, was voiced by Mr. Morgan during the recent steel strike, in a conference between the officers of the United States Steel Company and the Amalgamated Association of Iron, Steel and Tin Workers. Mr. Morgan is authoritatively reported to have said that he was not hostile to organized labor; that he looked upon it with favor—that is, he preferred the well-organized and administered trade union as the medium through which to arrange questions of wages and other conditions of employment, to the chaotic and unreliable results when workmen act as individuals. He asked the association, however, not to attempt to drive him further than it was possible for him to go, at the same time giving his assurance that in the course of time, perhaps two years, the company would be ready to sign sliding scales for all its constituent plants. When this attitude becomes general, and manufacturers recognize the true value of collective bargaining, the result will show the economic significance of the first attempts of labor unions to secure adjustments, so far as wages were concerned, without strikes.

The attitude of consolidated labor toward capital is best repre-

sented by the views of unions relative to socialism. The chief element which is inducing the wage-receiver to become a state socialist, he is rarely if ever a social democrat, is machinery. Unions themselves are not socialistic organizations, although their members here and there may to some extent be members of the Socialist Labor Party, which believes in State socialism but not in social democracy. There have been during the past ten or twelve years some very sharp contests in the general meetings of the representatives of trades unions of this country and of England between socialist and anti-socialist elements. On the whole, socialism has been defeated in these contests, but here and there, and among working men individually, the socialistic trend is clearly perceivable, and it grows out of machinery, which is at the bottom of the movement. The working man does not oppose machinery as such, for he recognizes that through it his wages have been increased, his productive power greatly enhanced, his comforts broadened, and his work-day greatly reduced. Nevertheless, he believes, with many economists, that, so far, the benefits arising from the application of power machinery have not been equitably divided. He is willing capital should have a large share in these benefits, but he thinks he ought to have a greater share than he now receives; and this belief leads him to the conclusion that he will not get the full benefits of the application of invention until society shall become the owner of inventions and of the machinery under them. Labor unions and federations, while not being socialistic organizations, as I have stated, have nevertheless declared in some cases in favor of the public ownership of telegraphs, telephones, and railroads; and they join in a measure in the academic demand for extension in the municipal ownership of quasi-public utilities.

Probably the most serious question that consolidated labor has to consider to-day is the attitude of law, not only as expressed in statutes but in the decisions of courts. When the Chicago strike was broken down, labor leaders did not hesitate to say that the strike was not broken by the police, nor the military power, nor the railroads, but by the courts. They complained of the expanded use of the injunction warning persons to refrain from doing things which if done would be crimes under statutory law and punishable accordingly. They insist that should they be accused of any violence they should be allowed trial, as crimi-

nals or as breakers of the law, by a jury in the ordinary way, when they can have, under the bills of rights as they exist in this country, the privilege of facing accusers and bringing forward evidence in their defense. Many eminent jurists feel that the expanded use of injunctions in late years is not in accordance with strictest equity; that this use is a restoration of the practices which existed in England some five hundred years ago, but which were abandoned as a menace to the public welfare. Undoubtedly, there is an increasing hesitancy on the part of courts to grant writs of injunction in cases of strikes; but the menace to the existence of trades unions is one very greatly feared by them all. So far, however, the expansion of organization has not been crippled by the use of the injunction.

Now comes a new phase of the whole question of the relation of law to consolidated labor, in the decision of courts relative to the liability of strikers in what is known as picketing. In our own country there are various decisions covering this ground. The real question is whether strikers should be enjoined against maintaining a patrol, or any form of picket, to prevent non-union men from entering the works of an establishment under strike, or from preventing the employer from carrying on his business, unless he should do certain things which have been demanded of him. There is no question whatever in the decisions where picketing is accompanied by intimidation or force. Then picketing is held everywhere to be illegal and criminal. But there are some decisions now that have been rendered in this country and in Europe, in which the courts have declared that picketing itself is a menace, hence an intimidation, and therefore illegal. English courts have gone a step further, and declared that the union ordering the picket can be sued for damages.

The latest decision is what is known as the Taff Vale Railway case, where, on account of a difference between the company and some of its employees, a strike was ordered by the Amalgamated Society of Railway Servants, and the strikers picketed the station at Cardiff. An injunction was granted against two officers of the society restraining them from watching and besetting the station, on the ground that such actions were in violation of the Conspiracy and Protection of Property Act. The company also made application for an injunction against the society itself. This application was opposed with great vigor by the society, on the

ground that it was neither a corporation nor an individual, and could not be sued in a quasi-corporate or any other capacity, and that an action of tort could not lie against it. The justice sitting in the case, in September, 1900, granted the injunction, and although he conceded that a trade union is neither a corporation, nor an individual, nor a partnership between a number of individuals, he maintained that a trade union is a corporate body, and as such qualified to sue or to be sued.

It can easily be imagined that such a decision, far-reaching in its nature, caused the greatest consternation among the trades unions; for, if the position of the justice was sound and the higher courts sustained the position, trade-unionism, it was feared, instead of being an element of strength, would be disintegrated and prove a decided weakness. Under the decision trades unions were practically responsible for the acts of their individual members, and having this responsibility, they became liable in civil action for any damages which might occur as the result of an injury done by a single member.

The Court of Appeals of England, in November, 1900, reversed this position, taking the ground that no action was maintainable against the society, and that the name of the society itself must be stricken out of the injunction and the injunction itself dissolved. The plaintiffs, however—that is, the railway company—were allowed to appeal to the House of Lords, the final court of appeal. Decision was rendered by the House of Lords on July 22d last, overruling the Court of Appeals and sustaining the lower court in the position that a union was a legal entity capable of suing and being sued. The Lord Chancellor, in his motion for the allowance of the appeal, stated:

"In this case I am content to adopt the judgment of Mr. Justice Farwell (the justice granting the injunction), with which I entirely agree, and I cannot find any satisfactory answer to that judgment in the judgment of the Court of Appeals which overruled it. If the Legislature has created a thing which can own property, which can employ servants, and which can inflict injury, it must be taken, I think, to have impliedly given power to make it suable in the courts of law for injuries purposely done by its authority and procurement."

The gist of this is that anybody that can inflict an injury can be held responsible in damages for the results of that injury; and this is the new doctrine, which will hold until legislative action either defines it, or abrogates it, and which will undoubt-

edly be followed in this country in the near future. As the result of the decision of the House of Lords, the railway company at once entered suit against the Amalgamated Society for £20,000 damages. This suit is still pending.

The British trade-union congress, in its session at Swansea a few weeks ago, took up the whole question. What the conclusion of the consideration of it was has not yet appeared, but there are two sides already forming among trade-unionists themselves. Some of them take the ground that a decision holding the unions responsible for the action of their members will destroy unionism absolutely, while others, more far-seeing, more thorough students of history and economic conditions, do not hesitate to claim that the decision will ultimately work to the advantage of the unions, by compelling employers, for their own protection, to deal with the unions as such, and to ignore non-union men.

This brings to mind what was said about the omission of trades unions to incorporate in their organic laws some means of disciplining members who commit overt acts during the progress of strikes. Unions have been weak in this. They order a strike. The men individually claim that they are not responsible for the strike, as it was ordered by the union. Some of the men commit acts of violence. The union says: "We ordered the strike, but we are not responsible for the acts of individual men." The doctrine underlying the decision of the House of Lords would remedy all this trouble, and place the unions upon the strong and enduring basis of entities in the eyes of the law. Furthermore, it would lead directly to their incorporation as business concerns. The Knights of Labor, American Federation of Labor, and other labor bodies concretely representing consolidated labor, have declared in favor of incorporation. Little incorporation has ever taken place, however. There are a few incorporated labor bodies in the State of New York. Some States provide by special mention for the incorporation of trades unions, but in every State a trade union can incorporate the same as any other body.

Labor leaders, however, are apprehensive of the results of incorporation, for precisely the same reason that they have been greatly disturbed by the recent decision of the House of Lords. They admit freely the general benefits of incorporation, but fear the effect upon the funds in their keeping. Their capital consists

of their contributions or assessments, and this capital could be attached under an action of contract or tort, which it is feared would lead directly to disruption. They also fear that whenever a union for any cause should be brought into court and judgment secured against it, the charter might be revoked.

They also have some fear on the question of injunctions under incorporation, the special ground of their fear being that an unfair judge might cause a great deal of difficulty. This fear, however, it seems to me, is a groundless one, for our courts are on the whole honorable, and in their capacity as administrators of the law pure and incorruptible.

The great advantages of securing charters would be that the unions would have a standing in court; they would have a better standing in public estimation, and they would be more likely to select the ablest men for leaders. As legal persons they could enforce their contracts against employers, while they would be responsible for breach of contract on their own part. They have been debarred heretofore from appearing in court by representatives, and have thus lost a great advantage which would have been of the utmost importance to them. Incorporation, responsibility, and the dignity which comes from these, answer in large degree the questions asked at the beginning of this article—that is, it would be wise to fully recognize unions by the law, to admit their necessity as labor guides and protectors, to conserve their usefulness, to increase their responsibility, and to prevent their follies and aggressions by conferring upon them the privileges enjoyed by all business corporations, but with like restrictions and regulations.

This is not now popular doctrine with the trades unions; but, as a true friend of organized labor, I believe the modern tendency, as shown in the attitude of law in recent times, will make of them what they really hope to become—powerful economic factors, capable under the law, and capable through their responsibilities of dealing with that other powerful factor of industry, capital itself. There should be no conflict: there must be joint and reciprocal action.

CARROLL D. WRIGHT.